

REMARKS

This response is being filed concurrently with a Request for Continued Examination. Claims 1-6, 8-11, 13-33, and 35-42 are pending, with claims 1, 13, and 26 being independent. Claim 7 has been cancelled, in addition to claims 12 and 34 that were previously cancelled in a prior response. Claims 1, 8-11, 13, and 26 have been amended and claim 43 has been added. Support for the amendments and a new claim may be found, for example, in a section of the Application extending from page 23, line 5 to page 24, line 15. No new matter has been added.

Deavers in view of Kenna rejection

Claims 1, 4-6, 8-13, 18, 20-22 were previously rejected under 35 U.S.C. § 103(a) as being unpatentable over Deavers (6,044,352) in view of Kenna (6,108,641).

As amended, claim 1 now recites a method of managing health care resources for a health care consumer that includes, among other features, "specifying a maximum expenditure limit on the health savings account, the maximum expenditure limit indicating a restriction on deductions from the health savings account over a time period," "monitoring an actual expenditure by the health care consumer to determine if the maximum expenditure limit has been deducted from the health savings account over the time period," and "assessing the health care consumer for a percentage of health care costs exceeding the maximum expenditure limit to reimburse a health care provider."

Applicant respectfully requests reconsideration and allowance of the claims because Deavers and Kenna fail to describe or suggest at least one of the features recited in claim 1. For example, among other features, Deavers and Kenna fail to describe or suggest "specifying a maximum expenditure limit on the health savings account...", "monitoring an actual expenditure by the health care consumer...", and "assessing the health care consumer for a percentage of health care costs exceeding the maximum expenditure limit to reimburse a health care provider." As correctly noted in the Office Action, Deavers teaches imposing a maximum contribution limit to the Medical Savings Fund Account (MSFA). See Col. 4, lines 58-63. Deavers, however, is silent about imposing "a maximum expenditure limit," which is different from the maximum contribution limit, as the former relates to a limit on amount deducted from the account and the

latter relates to a limit on amount contributed to the account. Kenna similarly fails to disclose the above features.

Similarly, each of independent claims 13 and 26 recite a device structured and arranged to "specify a maximum expenditure limit on the health savings account, the maximum expenditure limit indicating a restriction on deductions from the health savings account over a time period," "monitor an actual expenditure by the health care consumer to determine if the maximum expenditure limit has been deducted from the health savings account over the time period," and "assess the health care consumer for a percentage of health care costs exceeding the maximum expenditure limit to reimburse a health care provider." Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of amended independent claims 13 and 26 and their respective dependent claims for the reasons discussed above with respect to amended independent claim 1.

Barber, Henley, and Barber with Deavers Rejections

Claims 2-3, 14-17, 19, and 23-42 were previously rejected under 35 U.S.C. § 103(a) as being unpatentable over Deavers in view of Kenna and further in view of Barber(4,858,121), or Deavers in view of Kenna and further in view of Henley (2002/0065758)

Applicant respectfully requests reconsideration and withdrawal of the § 103(a) rejection because Barber, Henley, or their combinations do not remedy the failure of Deavers and Kenna to describe or suggest the features previously discussed with respect to independent claims 1, 13, and 26.

The fee in the amount of \$910.00 in payment of the Request for Continued Examination and one-month extension of time is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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